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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,762	03/21/2001	Kenneth R. Stockton	10004851-1	2417

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EXAMINER

HO, TUAN V

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/813,762	STOCKTON ET AL.
	Examiner Tuan V. Ho	Art Unit 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 February 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,9,11,12,14-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 7,8,10,13,19 and 21-24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,9,11,12,14-18 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

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1. Newly submitted claims 21-24 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claimed "help switch that when actuated causes the digital camera to enter a help mode and display, on said display, help information that informs a user of various functions associated with operating said digital camera" in claim 21 is not originally disclosed in elected claims. The new limitation is required further consideration and search.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. Applicant's arguments filed 2/23/05 have been fully considered but they are not persuasive.

With regard to claim 1, Applicants argue that Anderson does not disclose displaying "information describing the use of said at least one function", page 9 of the remarks. In response to the arguments, the examiner takes a broader interpretation and notes that Anderson states in col. 9, lines 18-68, Fig. 10A when

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control button 410 navigates from icon to icon 720, and selects a icon to active, the icon 720 is highlighted and a text label 722 for the icon is displayed under the icon and list of menu items corresponding to camera feature is displayed below text label 722. In other words, the text label 722 describes the use of a function of the highlighted icon 720 through a list of menu items upon an activation of button 410.

With regard to claim 9, Anderson discloses in col. 9, lines 18-68, that the list of menu items is used to describe the use of highlighted icon 720 as shown in Fig. 10A.

With regard to claims 11-12, 14 and 20, claims 11, 14 and 20 correspond to claims 1 and 9 and are analyzed the same as previously discussed in claims 1 and 9.

For the above reasons, the rejection is repeated.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United

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States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 9, 11-12, 14-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al cited by Applicants (US 6,118,480).

With regard to claim 1, Anderson et al disclose in Fig. 1 a digital camera that comprise the digital camera of the type having the ability to perform at least one function (digital camera 110, col. 4, lines 4-19), display device (LCD 402, col. 4, line 64), first switch having a first operative position and second operative position (after menu button 414 accessed so as to display a menu mode such as icons 720 on LCD 402, horizontal button 410a or 410b can be activated in a first operative position and second operative position by toggling first and second times so as to highlight icons 720, col. 9, lines 40-67), and information describing the use said least one function is displayable said display device when said first is switched from said first operative position said second operative position (contents of icons 720 and a list of menu items associated with each icon as shown in Fig. 10A and 10B describe at least one function displayed on LCD 402, col. 9, lines 18-67).

With regard to claim 2, Anderson et al disclose in Fig. 1 a digital camera that comprise the list items displayable said

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display device when said first switch is switched from said first operative position said second operative position (the list of menu items corresponding to camera features is displayed on LVD 402 as shown in Fig. 10A).

With regard to claim 3, Anderson et al disclose in Fig. 1 a digital camera that comprise the one item said list of items is selectable (displayed menu items on the list can be selected by using vertical button 411a or 411b, col. 9, lines 38-40).

With regard to claim 4, Anderson et al disclose in Fig. 1 a digital camera that comprises the list of items is an index (lists of menu items shown in Fig. 10A and 10B are used to point out camera function operations; where the lists are considered as an index since the lists are used to represent camera functions).

With regard to claim 5, Anderson et al disclose in Fig. 1 a digital camera that comprise the processor and input device (CPU 344 is connected to button & dials circuits 404 and LCD 402; where buttons and dials generate signals to CPU 344 so as to display icons and list of menu items on LCD 402, col. 4, lines 46 and col. 5, lines 1-5).

With regard to claim 6, Anderson et al disclose in Fig. 1 a digital camera that comprise the second switch (vertical control button 411a or 411b is used to select menu items on the list by

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highlighting each item on the list when the button is toggled between a first and second operative positions as shown in Fig. 10A or 10B, col. 9, lines 9, lines 39-40 and lines 62-67).

With regard to claim 9, Anderson et al disclose in Fig. 1 a digital camera that comprise the method of obtaining information relating to at least one function associated with a digital camera (digital camera 110 can select a camera function by using buttons 414 and 410), said method comprising: toggling first switch associated with said digital camera (horizontal control button 410a or 410b is toggled, col. 9, lines 40-59), and displaying information pertaining to said at least one function associated with said digital camera a display device associated with said digital camera upon said toggling said first switch (icons 720 and list of menu items are displayed on LCD 402 when buttons 410a or 410b is toggled, col. 9, lines 50-54).

With regard to claim 11, Anderson et al disclose in Fig. 1 a digital camera that comprise the list of items (the list of menu items is shown in Fig. 10A), selecting one items (vertical control button 411a or 411b selects menu items on the list), and displaying information related to the one items of the list of items (highlighted items is described information related to the selected items such as white balance or bracket meter as shown in Fig. 10B).

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With regard to claim 12, Anderson et al disclose in Fig. 1 a digital camera that comprise the method of entering least one character said digital camera way an input device (horizontal control button 410a or 410b selects icons 720 that represents characters so as to enter the characters into CPU 344, col. 9, lines 40-54); displaying a least one item corresponding said at least one character (a list of menu items is displayed corresponding to a selected icon as shown in Figs. 10A or 10B); selecting at least one item on the list (vertical control button 411a or 411b); and displaying information pertaining to said at least one item (vertical control button 411 selects an item on the list; where each item is displayed an information pertaining to the selected item such as "White balance" or "Bracket meter" as shown in Figs. 10B).

With regard to claim 20, Anderson et al disclose in Fig. 1 a digital camera that comprise the switch having a first operative position and a second operative position (as discussed with respect to claim 1, horizontal control button 410 has first and second operative positions), means for information pertaining at least digital camera (CPU 344 including a conventional processor device for controlling operations of the camera; where non-volatile memory 350 inherently stores software programs used by CPU 344 to operate the camera, col. 4, lines

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46-48; col. 5, lines 63-67); and means for displaying said information pertaining said at least one function associated with camera upon said first switch being toggled from operative position to said second operative position (LCD 402 displays icons 720 and list of menu items as shown in Fig. 10A or 10B).

With regard to claim 14, furthermore, Anderson et al discloses in Fig. 1, a digital camera that comprises the first switch (as discussed with respect to claim 1, horizontal control button 410a or 410b), display device (LCD 402), computer (computer 118, col. 4, line 9), computer-readable medium containing instruction for controlling said computer and said digital camera (computer 118 inherently includes non-volatile memory 350 that is used to store software routines to control camera operations, col. 4, lines 55-60 and col. 5, lines 65-67), by the steps of detecting the first operative position to said second operative position (after horizontal control button 410a or 410b toggled, the buttons generates signals to CPU 344 that detects the signals so as to perform displaying icons 720 and list of menu), and displaying information display device pertaining to the operation said digital camera upon said detecting of said first switch being toggled from said first operative position to said second operative position (CPU 344

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controls LCD 402 so as to display icons 720 and list of menu items; where the icons and list of menu items are information pertaining to the operation of the camera such as white balance as shown in Fig. 10B).

With regard to claim 15, furthermore, Anderson et al discloses in Fig. 1, a digital camera that comprises the second switch and a third switch (vertical control button 411a or 411b and soft key 416), the displaying information comprises displaying at least one item pertaining to the operation said digital camera (LCD 402 display information pertaining to the operation such as white balance), and wherein said instructions said computer-readable medium further comprise (non-volatile memory 350 stores programmed instructions), the steps of detecting toggling of said second switch (CPU 344 detects positions of Button 410a or 410b), causing one of said at least one item to be displayed highlighted based on said toggling second switch (after toggling vertical control button 411a or 411b, the button selects menu items by highlighting the menu items move up or down, col. 9, lines 55-67 and Fig. 10A or 10B), detecting toggling said third switch (CPU detects toggling of soft key 416 so as to display a sub-level of menus, col. 10, lines 1-9), and displaying information on said display device pertaining to said one of said at least one item upon said

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detection of said toggling of said third switch (LCD 402 displays sub-levels of menu such as edit, next or more, col. 10, lines 1-9).

With regard to claim 16, furthermore, Anderson et al discloses in Fig. 1, a digital camera that comprises the second switch and wherein said instructions of said computer-readable medium further comprise: detecting toggling of said second switch; displaying information device pertaining to the operation of said second switch (CPU 344 detects positions of vertical control button 411a or 411b after toggled so as to display the highlighted menu items as shown in Fig. 10B, col. 9, lines 55-67).

With regard to claim 17, furthermore, Anderson et al discloses in Fig. 1, a digital camera that comprises the input device for inputting at least one signal to said computer (control buttons 410 and 411) and wherein said instructions said computer-readable medium further comprise: the steps of detecting said at device (CPU 344 detects signals from control buttons 410 and 411), and displaying least one character on said display device that is representative of said at least one signal (control button 410a or 410b selects icons 720, where the selected icon including image and text that are displayed on LCD 402 as shown in Fig. 10a or 10B, col. 9, lines 55-67).

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With regard to claim 18, furthermore, Anderson et al discloses in Fig. 1, a digital camera that comprises the instructions of said computer-readable medium further comprise: displaying at least one item on said display device corresponding to said at least one character (after toggling control button 410a or 410b, an icon in group icons 720 is selected and a list of menu item is also displayed corresponding the selected icons).

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

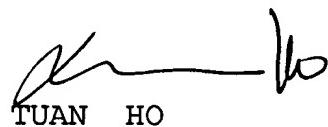
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (572) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.



TUAN HO

Primary Examiner

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